

Tina Q. Nguyen



PARTNER

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EDUCATION AND HONORS

J.D., University of Michigan Law School,
2011
Order of the Coif
magna cum laude

B.A., Political Science, Duke University,
2008
Graydon John Forrer Award
Class Vice President

Recognized as a "40 under 40 Award
Recipient" by the State Bar of Texas'
Asian Pacific Islander Section, 2022

Recognized as "Up & Coming" for Oil &
Gas Litigation in *Chambers USA*, 2022

"She has exceptional legal skill and acumen and is incredibly responsive." *Chambers USA 2022*

Tina Q. Nguyen is a skilled trial lawyer in high-stakes, complex commercial matters. Her practice focuses on energy litigation, pension and ERISA matters, real estate, and other significant disputes, including class action lawsuits. She represents clients in business litigation involving fraud claims, fiduciary obligations, contracts, and other business torts.

In the energy space, Ms. Nguyen works closely with oil, gas, and renewable clients on a broad range of issues, including lease and power purchase agreements, royalty obligations, pricing disputes, joint operating agreements, joint ventures and partnerships, midstream agreements, nuisance claims, and other issues.

Ms. Nguyen also represents and advises clients in pension and ERISA matters, including class action claims of breach of fiduciary duties, statutory pension matters, and benefit claims.

A native Houstonian, Ms. Nguyen is actively involved in the community. Among other roles, she serves on the Executive Committee for the Institute for Energy Law, is the Secretary of the Federal Bar Association of Houston, and was formerly the Secretary of the Asian American Bar Association of Houston. Before joining Baker Botts, Ms. Nguyen was the Class Vice President at Duke University, graduated top of her class (Order of the Coif) at the University of Michigan Law School, and clerked with Chief Judge Sidney A. Fitzwater of the United States District Court for the Northern District of Texas.

EXPERIENCE

Energy Litigation

- Obtained summary judgment in a breach of contract, fraud, and breach of fiduciary duty lawsuit involving assets valued at more than

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COURT ADMISSIONS & AFFILIATIONS

<p>State Bar of Texas</p> <p>United States Court of Appeals for the Fifth Circuit</p> <p>United States District Courts for the Northern, Southern, Eastern and Western Districts of Texas</p> <p>United States District Court for the District of Colorado</p> <p>United States District Court for the Eastern District of Arkansas</p> <p>Institute for Energy Law</p> <p>Houston Bar Association</p> <p>Houston Young Lawyers Association</p> <p>Asian American Bar Association</p> <p>Federal Bar Association</p>	<p>\$1.5 billion, which was affirmed on appeal (<i>Harrison v. Harrison Interests</i>, No. 14-15-00348-CV, Texas 14th Court of Appeals)</p> <ul style="list-style-type: none"> • Obtained directed verdict in favor of electric utility in real-property trial, which was affirmed on appeal (<i>Rodriguez v. CenterPoint Energy</i>, No. 14-16-00867-CV, Texas 14th Court of Appeals) • Defeated class certification in putative royalty class action involving nearly 4,000 royalty owners in Eagle Ford Shale (<i>Regmund v. Talisman</i>, No. 4:16-CV-02960, Southern District of Texas) • Excluded experts and obtained summary judgment dismissing claims alleging that defendant underpaid royalties (<i>Newberry v. Talisman</i>, No. 4:19-cv-04476, Southern District of Texas) • Obtained summary judgment in favor of an oil and gas operator holding that the defendants had breached the warranty in an oil and gas lease (<i>Marathon Oil v. Edmund Tom</i>, No. 14-08-0644-CVA, 218th Judicial District Court of Atascosa County, Texas) • Obtained dismissal based on lack of personal jurisdiction in favor of oil and gas company, which was affirmed on appeal (<i>International Energy Ventures Management v. United Energy Group</i>, No. 14-20552, 5th Circuit) • Obtained summary judgment for electric utility in various disputes (<i>Bryant v. CenterPoint Energy</i>, No. 2014-50521, 334th Judicial District Court of Harris County, Texas; <i>Henderson v. CenterPoint Energy</i>, No. 80459-CV, 149th Judicial District Court of Brazoria County, Texas) • Tried to verdict an oil and gas dispute on behalf of a <i>Fortune 500</i> energy company involving the impact of an area of mutual interest clause on over a hundred oil and gas leases • Represented oilfield services company in complex dispute over the proper interpretation of contractual arbitration clauses on both trial and appellate levels (<i>Halliburton v. KBR</i>, No. 2012-39503, Texas First Court of Appeals)
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- Represented an investor in energy-related businesses in a breach of contract and fraud action on both trial and appellate levels in Texas and Alaska

Pension and ERISA Litigation

- Obtained unanimous ruling from Texas Supreme Court on a municipal pension system's pursuit of pension claims against City of Houston (*Houston Municipal Employees Pension System v. City of Houston*, No. 17-0242, Texas Supreme Court)
- Obtained unanimous ruling from court of appeals, affirming dismissal of the City of Houston's constitutional challenges to statute governing the municipal firefighter's pension system (*City of Houston v. Houston Firefighters' Relief and Retirement Fund*, No. 14-14-00437-CV, Texas 14th Court of Appeals)
- Obtained unanimous ruling from Fifth Circuit, affirming summary judgment in favor of an energy company in ERISA breach of fiduciary duty suit (*Schweitzer v. Investment Committee of Phillips 66 Savings Plan*, No. 18-20379, Fifth Circuit)
- Defeated class certification in putative ERISA class action involving over 4,000 participants (*Myers v. Administrative Committee of Seventy Seven Energy, Inc. Retirement & Savings Plan*, Civ-17-200-D, Western District of Oklahoma)
- Obtained summary judgment in favor of retail store in ERISA action (*Kochanek v. Aetna & Home Depot*, No. 4:16-CV-00324 BSM, Eastern District of Arkansas)
- Obtained summary judgment in favor of an oil and gas company in ERISA action (*Frasier v. Cigna*, No. 15-cv-00458-MAC, Eastern District of Texas)
- Obtained summary judgment in favor of an oilfield services company in ERISA actions (e.g., *Shafer v. Metropolitan Life Insurance Company et al.*, No. 1:14-CV-00656-RM-KMT, District Court of Colorado; *Schuck v. Schlumberger Technology, Inc.*, No. 12-CV-006-ABJ, District

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Court of Wyoming; *Stout v. Pathfinder Energy Services, LLC*, No. 6:14-cv-02457-RTH-CMH, Western District of Louisiana)

- Represented pharmacy benefits manager in dispute with rebate aggregator
- Represented *Fortune 500* companies in internal investigation involving allegations of breach of fiduciary duty related to pension plans
- Representation of various large companies in breach of fiduciary suits under ERISA
- Represented an oilfield services company and a philanthropic foundation in ERISA actions in Texas and other states

Real Estate and Construction Litigation

- Obtained summary judgments in defense of real-estate developer in nuisance lawsuits involving the construction of an office building (*Sands v. 2229 San Felipe, LLC*, No. 2014-40441, 165th Judicial District Court of Harris County, Texas; *Ogg v. 2229 San Felipe*, No. 2016-26744, 129th Judicial District Court of Harris County, Texas)
- Obtained summary judgment in favor of a commercial tenant against a landlord in a \$12 million suit (*GSC Wholesale v. Studemont*, No. 2016-00796, 80th Judicial District Court of Harris County, Texas)
- Represented amicus curiae in nuisance lawsuit involving construction of a high-rise building (*Loughhead v. 1717 Bissonnet*, No. 2013-26155, 157th Judicial District Court of Harris County, Texas)
- Representation of real-estate developers in disputes with tenants and other counterparties
- Counseling of real-estate developers on tenant, construction and property issues

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PUBLICATIONS, SPEECHES, AND PRESENTATIONS

- Third Circuit Affirms Certification of ERISA Class Though Named Plaintiffs had not Invested in all Challenged Investment Options, Pension, Benefits and ERISA Update, June 2022
- 2022 Energy Litigation Outlook, Energy Litigation Update, February 2022
- Supreme Court Addresses Duty to Monitor Plan Options in Hughes v. Northwestern University, ERISA Update, 04 February 2022
- Supreme Court Considers the Right Balance in ERISA Excessive Fees Case, ERISA Update, December 2021
- Louisiana District Court Issues Nationwide Injunction Invalidating Federal Oil and Gas Leasing Moratorium, Energy Update, June 2021
- Meeting of the Minds: Negotiating and Litigating Energy Deals, Institute for Energy Law Young Energy Professionals Workshop: The Oil and Gas Sessions, February 2021
- Force Majeure and Related Contractual Defenses in the COVID-19 Era, Houston Bar Association CLE, August 2020
- No Standing to Sue Defined-Benefit Plan Fiduciaries for Alleged Mismanagement of Plan Assets, June 2020
- The Texas Supreme Court Decides Important Case Involving Reformation of Royalty Interests that Violate the Rule Against Perpetuities, June 2020
- Overview and Best Practices for Virtual Court Proceedings, Mediations, and Depositions, Institute for Energy Law, May 2020
- Deal or No Deal? Texas Supreme Court Finds No Contract in Email Exchange, Baker Botts Energy Litigation Update, 4 March 2020
- Fifth Circuit Issues Significant Decision Addressing Area of Mutual Interest Provision, Energy Litigation Update, July 2019

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- Energy U: Nuts and Bolts of Oil and Gas Lawsuits, Baker Botts In-House Presentation, February 2019
- Litigation Perspective on Frequently-Litigated Contractual Provisions, Baker Botts In-House Presentation, October 2018
- Texas Supreme Court Provides Guidance on Retained-Acreage Clauses, Pratt's Energy Law Report, September 2018
- Crude Oil Pipeline Constraints in the Permian Basin, August 2018
- The Texas Supreme Court Provides Guidance on Retained-Acreage Clauses, Energy Litigation Update, April 2018
- 5th Circuit Joins Sister Circuits in Applying De Novo Standard of Review for Denial of Claims Cases, Litigation Update, April 2018